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of facts appears in *Dreisbach* v. *Serfass,* 126 Pa. St. 32, although the instrument was there held to vest in the grantee an equitable title under an executory contract.

DIVORCE—ALIMONY—PAYMENT AFTER HUSBAND'S DEATH.—A decree of divorce awarded the wife three hundred dollars a year as alimony so long as she should live. The judgment also provided that the payment of such alimony should be secured by a mortgage upon certain property of the husband. The divorced husband subsequently died and an action was brought against his devisee to enforce the payment of the alimony secured by the mortgage. The defendant's demurrer to the complaint for failure to state a cause of action was overruled. *Held* on appeal, affirming the judgment, that when a judgment for divorce directs the payment of alimony so long as the plaintiff shall live and requires security therefor, the obligation is personal so long as the defendant lives and is imposed on the security after his death. *Wilson* v. *Hinman* (1904), — N. Y. —, 90 N. Y. Supp. 746.

The courts generally hold that the allowance of alimony payable in installments ceases upon the death of either the divorced husband or wife. *Francis* v. *Francis,* 31 Gratt. (Va.) 283; *Wallingsford* v. *Wallingsford,* 6 Har. & J. (Md.) 485; *Casteel* v. *Casteel,* 38 Ark. 478. And this is so even though the allowance is made to the wife during her life. *Johns* v. *Johns,* 44 App. Div. N. Y. 533; *Lockwood* v. *Krum,* 34 Ohio St. 1; *Lennahan* v. *O'Keefe,* 107 Ill. 620. In some states the court, in granting alimony, may make it a lien upon the property of the divorced husband when the circumstances seem to justify this action. *Harshberger* v. *Harshberger,* 26 Ill. 503; *Tolerton* v. *Williard,* 30 Ohio St. 579; *Mahoney* v. *Mahoney,* 59 Minn. 357. Or may require security to be given. *Slade* v. *Slade,* 106 Mass. 499; *Lockridge* v. *Lockridge,* 3 Dana, 28; *Gunther* v. *Jacobs,* 44 Wis. 354. Alimony due and unpaid to the divorced wife at the time of her death is a vested right which passes to her legal representatives. *Dinet* v. *Eigenmann,* 80 Ill. 274; *Miller* v. *Clark,* 23 Ind. 370; *Knapp* v. *Knapp,* 134 Mass. 353. The statutes give the courts large discretionary power in the matter of alimony, and there are various dicta to the effect that the court may make alimony payable in installments during the life of the divorced wife binding upon the heir of the divorced husband, but the intention to do so must unequivocally appear. *Craig* v. *Craig,* 163 Ill. 176; *O'Hagan* v. *O'Hagan,* 4 Ia. 509. This case is of especial interest because it appears to have squarely raised the point for the first time in the state of New York.

ELECTIONS—CONDUCT OF SPECIAL ELECTIONS—PREPARATION OF BALLOTS.—On petition of twenty-five freeholders that an appropriation of $6,000 be made by a township to aid a railroad, the board of commissioners, after giving the required notice, ordered that the question be submitted to the vote of the qualified electors of the township. At the subsequent election the greatest number of votes cast was in favor of the appropriation. Appellants having appeared before the board and contested the validity of the election, appeal from a judgment of the Circuit Court ordering the appropriation. *Held,* That the statutory provisions in Indiana regarding the conduct of general and

special elections are mandatory, and must be strictly obeyed. Judgment reversed. *Current et al.* v. *Luther et al.* (1904), — Ind. —, 72 N. E. Rep. 556.

§ 5341, BURNS' ANN. ST. 1901, requires the question of township appropriations in aid of the construction of railroads to be submitted to popular vote. § 5343 provides that the vote shall be conducted in the manner prescribed by law for general elections. § 6214 creates a board of election commissioners and enjoins upon them the duty of preparing and distributing ballots. § 6260 provides that the local officers shall perform the same duties with regard to the conduct of special elections as in case of general elections. Undisputed evidence showed that the ballots in the contested election were not prepared by the board of election commissioners, but by the railroad company, and turned over to election officers only on the morning of the election. The statutes regarding elections in Indiana were enacted to bring about reform in just such cases as the present one. The fact that the railroad company prepared the ballots and retained them in their possession until the day of election gives rise to a strong presumption that they gained an advantage by so doing. Since the purpose of election laws is to promote equal rights for all they should be construed carefully. In *People* v. *Schermerhorn*, 19 Barb. 540, 548, the court states that if a statute imposes a duty and gives the means of performing that duty, it must be held to be mandatory. The question as to whether a provision is mandatory depends on the fact that it is or is not of the essence of the thing required, and mere rules of proceeding are not usually prescribed except when such rules are looked upon as essential to the thing to be done. COOLEY, CONSTITUTIONAL LIMITATIONS, 114. That conditions for elections are precedent and mandatory is held in the following cases: *County of Union* v. *Ussery*, 147 Ill. 204, 207; *Parvin* v. *Wimberg*, 130 Ind. 561; *Atty. General* v. *McQuade*, 94 Mich. 439.

EVIDENCE—CONSTITUTIONAL LAW—PRIVILEGE—WITNESS.—The president of a corporation was subpœnaed to testify before the grand jury, which was investigating charges of corruption against municipal officers in a contract between the city and the corporation. He appeared, but refused to produce the books of the corporation as ordered by the subpœna duces tecum, basing his refusal to do so upon his constitutional privilege, that no witness is obliged to furnish evidence which might tend to incriminate himself. The circuit judge was of the opinion that the production of such portion of the books as his order required defendant to produce would not tend to criminate him. *Held*, no error. *In re Moser* (1904), — Mich. —, 101 N. W. Rep. 588.

It is an ancient principle of the law of evidence that a witness shall not be compelled, in any proceeding, to make disclosures or give testimony which will tend to criminate him, or to subject him to fines, penalties, or forfeitures. COOLEY, CONSTITUTIONAL LIMITATIONS (7th ed.) p. 442; GREENLEAF, EVIDENCE, § 469d; WHARTON, CRIMINAL EVIDENCE, § 463. This proposition is uniformly stated by all text-writers on the subject, and is supported by judicial authority in all the states and in England. In addition to the many authorities cited in the principal case, we add: *Minters* v. *People*, 139 Ill. 363; *McKnight* v. *U. S.*, 115 Fed. Rep. 972; *Kanter* v. *Clerk*, 108 Ill. App. 287; *People* v. *O'Brien*,